

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the article failed to bear adequate directions for use for the prevention of neuritis and arthritis, which were the conditions for which the article was offered in its advertising sponsored by and on behalf of its packer.

DISPOSITION: June 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

1813. Adulteration of asthma medicine. U. S. v. 24 Packages of Hart's Compound Asthma Medicine. Default decree of condemnation and destruction. (F. D. C. No. 16745. Sample No. 31453-H.)

LIBEL FILED: June 23, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about April 25, 1945, by Hart's Asthma Medicine Co., from Buffalo, N. Y.

PRODUCT: 24 packages, each containing 1 6-ounce bottle, of *Hart's Compound Asthma Medicine*, at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 501 (a), the product consisted in whole or in part of a filthy substance, a mold-containing liquid.

DISPOSITION: July 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1814. Adulteration of crude drugs. U. S. v. 1 Drum of Crude Drugs. Default decree of condemnation and destruction. (F. D. C. No. 16770. Sample No. 24457-H.)

LIBEL FILED: June 29, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 11, 1945, by Peek & Velsor, Inc., from Jersey City, N. J.

PRODUCT: 1 drum containing about 108 pounds of crude drugs at New Orleans, La.

LABEL, IN PART: "Special Medley B For Mfg. Use Only."

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of live insects.

DISPOSITION: August 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

1815. Adulteration of Liv-Fer-B. U. S. v. Sutliff and Case Co., Inc. Plea of nolo contendere. Fine, \$100 and costs. (F. D. C. No. 16535. Sample No. 72386-F.)

INFORMATION FILED: August 11, 1945, Southern District of Illinois, against the Sutliff and Case Co., Inc., Peoria, Ill.

ALLEGED SHIPMENT: On or about July 13, 1944, from the State of Illinois into the State of Missouri.

LABEL, IN PART: "Liv-Fer-B Compound * * * Each Fluidounce represents: * * * Thiamin Chloride (Vitamin B₁) . . . 1 mg."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from and its quality fell below that which it purported and was represented to possess, since it purported and was represented to contain 1 milligram of vitamin B₁ (thiamine chloride) per fluid ounce and it actually contained not more than 0.50 milligram.

The article was also alleged to be adulterated under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: September 27, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 and costs.

1816. Adulteration and misbranding of Theradophilus. U. S. v. 178 Bottles of Theradophilus, and a number of display cards and booklets. Default decree of condemnation and destruction. (F. D. C. No. 12465. Sample Nos. 57880-F, 57881-F.)

LIBEL FILED: On or about May 12, 1944, District of Colorado.

*See also Nos. 1802, 1849.

ALLEGED SHIPMENT: From Pasadena, Calif., by Therapy, Ltd. The drug was shipped between the approximate dates of April 21 and May 1, 1944, and the display cards and booklets were shipped in November 1943.

PRODUCT: 178 bottles of *Theradophilus* at Denver, Colo., together with a number of display cards entitled "Theradophilus" and a number of booklets entitled "Therapy Supplementary Foods." Samples of the article were found to contain viable acidophilus in amounts varying from 100,000 to 5,100,000 per cubic centimeter and bacteria other than acidophilus in amounts varying from 280,000 to 7,200,000 per cubic centimeter.

LABEL, IN PART: "Theradophilus A Condensed Pure Culture of Bacillus Acidophilus."

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity of the article fell below that which it was represented to possess, in that it was represented to be a "Pure Culture of Bacillus Acidophilus," whereas it was not a pure culture of bacillus acidophilus, but was a culture of bacillus acidophilus contaminated with foreign micro-organisms.

Misbranding, Section 502 (a), the following labeling statements were false and misleading as applied to the article, which contained cocci and short-rod forms of bacteria: (Bottle label) "Theradophilus A condensed Pure Culture of Bacillus Acidophilus"; (display cards) "Theradophilus Acidophilus Culture"; (booklet) "A Vigorous Culture of Acidophilus."

Further misbranding, Section 502 (a), certain statements in the display cards and booklets were false and misleading since they represented and suggested that the article would be effective as a remedy for colitis, diarrhea, dysentery, constipation, hyperacidity, excessive gas, and auto-intoxication; that it would be effective in overcoming putrefaction resulting from overindulgence in food, constipation, diarrhea, toxic headaches, dullness, loss of energy, many diseases, and premature death; that it would be effective for controlling conditions in the intestines; that it would be effective in safeguarding against intestinal poisoning; that it would be conducive to longevity; that it would be effective in enabling one whose strength had been pulled down by harmful bacteria to regain the clear eyes and sparkling energy of youth; and that it would be effective to accomplish great improvement in health. The article would not be effective for the purposes represented.

DISPOSITION: August 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product, together with the printed matter, was ordered destroyed.

1817. Adulteration and misbranding of Mennen Antiseptic Oil. U. S. v. 51 Packages of Mennen Antiseptic Oil. Consent decree of condemnation. Product ordered disposed of for industrial purposes. (F. D. C. No. 11288. Sample No. 56392-F.)

LABEL FILED: December 10, 1943, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 15, 1943, by the Mennen Co., from Newark, N. J.

PRODUCT: 51 packages, each containing 1 gallon, of *Mennen Antiseptic Oil* at Long Island City, N. Y.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, in that it was represented to be germicidal and self-sterilizing, whereas it was neither germicidal nor self-sterilizing.

Misbranding, Section 502 (a), the following statements on the label of the article were false and misleading since the article was not germicidal, was not self-sterilizing, and was not efficacious for the symptoms and conditions mentioned: "Germicidal * * * Self-Sterilizing * * * It is so medicated as to make the oil * * * germicidal * * * self-sterilizing. * * * It has greater antiseptic and germicidal powers than the commonly used ammoniated mercury ointments. * * * The Oil is self-sterilizing, and autoclaving is not necessary. * * * It helps kill and prevent the growth of pyogenic organisms as long as it is in contact with the skin. * * * It helps maintain and conserve vital body temperature. It helps sterilize * * * the diaper area. * * * Meets the widespread demand of hospitals, physicians, nurses and mothers * * * germicidal * * * and self-sterilizing oil * * * offers protection against infection * * * Mennen Antiseptic Oil aids in keeping the skin of the babies free from pyogenic organisms. * * *